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LIU, BEN H				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,228

**Applicant(s)**

PEETZ ET AL.

**Examiner**

BEN H. LIU

**Art Unit**

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to an amendment/response filed on June 3<sup>rd</sup>, 2009.
2. No claims have been amended.
3. No claims have been cancelled.
4. No claims have been added.
5. Claims 1-11 are currently pending.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-11 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of Du et al. (U.S. Patent No. 6,556,576) in view of Lewis (U.S. Patent 6,259,989).

Although the conflicting claims are not identical, they are not patentably distinct from each other because they both teach a communication network with a first subnet and a second subnet and a bridge terminal for connecting the first and second subnets; wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet (*see claim 1*). Claim 1 does not teach signaling the unavailability of the bridge terminal by means of a power saving signal of the communication network. Lewis from the same or similar fields of endeavor discloses a wireless access point (*see figure 2, access point 19*) that communicates with different subsets of mobile stations on two separate communication channels (*see abstract and figure 1, MT 21*). The access point 19 broadcasts a beacon that indicates the availability of the

access point (*see column 6 lines 48-59*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the beacon that indicates the availability of the access point as taught by Lewis with the system that communicates with two sets mobile terminals at different periods as taught by claim 1. The access point that provides exclusive access to each subset of mobile terminals at different time periods as taught by claim 1 can be configured to broadcast the beacon that indicates the availability of the access point as taught by Lewis when the access point alternates access between the different user groups. Thus, the beacon indicates to one set of mobile terminals that the access point is no longer available. Once the one set of mobile terminals receives the beacon indicating that the access point is no longer available, those mobile terminals save power by refraining from making transmissions until the access point is available again. The motivation for using the beacon that indicates the availability of an access point with the access point that provides exclusive access to each subset of users at different time periods is to improve the efficiency of the network by indicating to the mobile terminals when an access point is unavailable to receive transmissions.

8. Claims 1-11 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of Du et al. (U.S. Patent No. 7,457,298) in view of Lewis (U.S. Patent 6,259,989).

Although the conflicting claims are not identical, they are not patentably distinct from each other because they both teach a communication network with a first subnet and a second subnet and a bridge terminal for connecting the first and second subnets; wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the

bridge terminal is unavailable for the second subnet when it is operated in the first subnet (*see claim 1*). Claim 1 does not teach signaling the unavailability of the bridge terminal by means of a power saving signal of the communication network. Lewis from the same or similar fields of endeavor discloses a wireless access point (*see figure 2, access point 19*) that communicates with different subsets of mobile stations on two separate communication channels (*see abstract and figure 1, MT 21*). The access point 19 broadcasts a beacon that indicates the availability of the access point (*see column 6 lines 48-59*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the beacon that indicates the availability of the access point as taught by Lewis with the system that communicates with two sets mobile terminals at different periods as taught by claim 1. The access point that provides exclusive access to each subset of mobile terminals at different time periods as taught by claim 1 can be configured to broadcast the beacon that indicates the availability of the access point as taught by Lewis when the access point alternates access between the different user groups. Thus, the beacon indicates to one set of mobile terminals that the access point is no longer available. Once the one set of mobile terminals receives the beacon indicating that the access point is no longer available, those mobile terminals save power by refraining from making transmissions until the access point is available again. The motivation for using the beacon that indicates the availability of an access point with the access point that provides exclusive access to each subset of users at different time periods is to improve the efficiency of the network by indicating to the mobile terminals when an access point is unavailable to receive transmissions.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-2, 5-6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekl et al. (U.S. Patent 6,816,502) in view of Lewis (U.S. Patent 6,259,898).

**For claim 1**, Ekl et al. disclose a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel (*see column 2 lines 1-5, which recite an access point AP100 that communicates with at least two sets of users wherein the different sets of users operate on different frequency channels*), the method comprising the steps of: switching an operation of the bridge terminal between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel; wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet (*see figure 2, which recite the access point communicating exclusively with one set of users before communicating exclusively with another set of users*).

Ekl et al. disclose all the subject matter of the claimed invention with the exception wherein signaling the unavailability of the bridge terminal is achieved by means of a power saving signal of the communication network. Lewis from the same or similar fields of endeavor discloses a wireless access point (*see figure 2, access point 19*) that communicates with different subsets of mobile stations (*see figure 1, MT 21*). The access point 19 broadcasts a beacon that indicates the availability of the access point (*see column 6 lines 48-59*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the beacon that indicates the availability of the access point as taught by Lewis with the system that communicates with two sets mobile terminals at different periods as taught by Ekl et al. The access point that provides exclusive access to each subset of mobile terminals at different time periods as taught by Ekl et al. can be configured to broadcast the beacon that indicates the



availability of the access point as taught by Lewis when the access point alternates access between the different user groups. Thus, the beacon indicates to one set of mobile terminals that the access point is no longer available. Once the one set of mobile terminals receives the beacon indicating that the access point is no longer available, those mobile terminals save power by refraining from making transmissions until the access point is available again. The motivation for using the beacon that indicates the availability of an access point with the access point that provides exclusive access to each subset of users at different time periods is to improve the efficiency of the network by indicating to the mobile terminals when an access point is unavailable to receive transmissions.

**For claims 2, 6, and 10,** Ekl et al. disclose a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal, wherein the communication network is a packet transmission network in accordance with the IEEE 802.11 standard (*see column 1 lines 11-17*).

**For claim 5,** Ekl et al. disclose a Bridge terminal for connecting a first subnet and a second subnet of a communication network, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel (*see column 2 lines 1-5, which recite an access point AP100 that communicates with at least two sets of users wherein the different sets of users operate on different frequency channels*), wherein an operation of the bridge terminal is switches between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel; wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet;

wherein the unavailability of the bridge terminal is signaled by means of a power saving signal of the communication network (*see figure 2, which recite the access point communicating exclusively with one set of users before communicating exclusively with another set of users*).

Ekl et al. disclose all the subject matter of the claimed invention with the exception wherein signaling the unavailability of the bridge terminal is achieved by means of a power saving signal of the communication network. Lewis from the same or similar fields of endeavor discloses a wireless access point (*see figure 2, access point 19*) that communicates with different subsets of mobile stations (*see figure 1, MT 21*). The access point 19 broadcasts a beacon that indicates the availability of the access point (*see column 6 lines 48-59*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the beacon that indicates the availability of the access point as taught by Lewis with the system that communicates with two sets mobile terminals at different periods as taught by Ekl et al. The access point that provides exclusive access to each subset of mobile terminals at different time periods as taught by Ekl et al. can be configured to broadcast the beacon that indicates the availability of the access point as taught by Lewis when the access point alternates access between the different user groups. Thus, the beacon indicates to one set of mobile terminals that the access point is no longer available. Once the one set of mobile terminals receives the beacon indicating that the access point is no longer available, those mobile terminals save power by refraining from making transmissions until the access point is available again. The motivation for using the beacon that indicates the availability of an access point with the access point that provides exclusive access to each subset of users at different time periods is to improve the

efficiency of the network by indicating to the mobile terminals when an access point is unavailable to receive transmissions.

**For claim 9**, Ekl et al. disclose a communication network with a first subnet and a second subnet and a bridge terminal for connecting the first and second subnets, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel (*see column 2 lines 1-5, which recite an access point AP100 that communicates with at least two sets of users wherein the different sets of users operate on different frequency channels*); wherein an operation of the bridge terminal is switched between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel; wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet; wherein the unavailability of the bridge terminal is signaled by means of a power saving signals of the communication network (*see figure 2, which recite the access point communicating exclusively with one set of users before communicating exclusively with another set of users*).

Ekl et al. disclose all the subject matter of the claimed invention with the exception wherein signaling the unavailability of the bridge terminal is achieved by means of a power saving signal of the communication network. Lewis from the same or similar fields of endeavor discloses a wireless access point (*see figure 2, access point 19*) that communicates with different subsets of mobile stations (*see figure 1, MT 21*). The access point 19 broadcasts a beacon that indicates the availability of the access point (*see column 6 lines 48-59*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the

beacon that indicates the availability of the access point as taught by Lewis with the system that communicates with two sets mobile terminals at different periods as taught by Ekl et al. The access point that provides exclusive access to each subset of mobile terminals at different time periods as taught by Ekl et al. can be configured to broadcast the beacon that indicates the availability of the access point as taught by Lewis when the access point alternates access between the different user groups. Thus, the beacon indicates to one set of mobile terminals that the access point is no longer available. Once the one set of mobile terminals receives the beacon indicating that the access point is no longer available, those mobile terminals save power by refraining from making transmissions until the access point is available again. The motivation for using the beacon that indicates the availability of an access point with the access point that provides exclusive access to each subset of users at different time periods is to improve the efficiency of the network by indicating to the mobile terminals when an access point is unavailable to receive transmissions.

**For claim 11,** Elk et al. disclose a machine readable medium having stored thereon machine executable instructions (*see column 6 lines 45-62*) that, when executed, implement a method for operating a bridge terminal of a communication network for connecting a first subnet and a second subnet, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel (*see column 2 lines 1-5, which recite an access point AP100 that communicates with at least two sets of users wherein the different sets of users operate on different frequency channels*), wherein, when the instructions are executed on the bridge terminal, the instructions cause the bridge terminal to perform the following steps: switching an operation of the bridge terminal between an operation in the first subnet on the first

frequency channel and an operation in the second subnet on the second frequency channel; wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet; signaling the unavailability of the bridge terminal by means of a power saving signals of the communication network (*see figure 2, which recite the access point communicating exclusively with one set of users before communicating exclusively with another set of users*).

Ekl et al. disclose all the subject matter of the claimed invention with the exception wherein signaling the unavailability of the bridge terminal is achieved by means of a power saving signal of the communication network. Lewis from the same or similar fields of endeavor discloses a wireless access point (*see figure 2, access point 19*) that communicates with different subsets of mobile stations (*see figure 1, MT 21*). The access point 19 broadcasts a beacon that indicates the availability of the access point (*see column 6 lines 48-59*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the beacon that indicates the availability of the access point as taught by Lewis with the system that communicates with two sets mobile terminals at different periods as taught by Ekl et al. The access point that provides exclusive access to each subset of mobile terminals at different time periods as taught by Ekl et al. can be configured to broadcast the beacon that indicates the availability of the access point as taught by Lewis when the access point alternates access between the different user groups. Thus, the beacon indicates to one set of mobile terminals that the access point is no longer available. Once the one set of mobile terminals receives the beacon indicating that the access point is no longer available, those mobile terminals save power by

refraining from making transmissions until the access point is available again. The motivation for using the beacon that indicates the availability of an access point with the access point that provides exclusive access to each subset of users at different time periods is to improve the efficiency of the network by indicating to the mobile terminals when an access point is unavailable to receive transmissions.

13. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekl et al. (U.S. Patent 6,816,502) and Lewis (U.S. Patent 6,259,898) as applied to claims 1 and 5 and further in view of Fujii et al. (U.S. Patent Application Publication 2005/0157745).

**For claims 3 and 7,** Ekl et al. disclose a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal, wherein the operation of the bridge terminal is switches periodically between the first and second subnets such that the bridge terminal is operated in each of the first and second subnets for a predetermined duration (*see abstract and figure 4*). Ekl et al. and Lewis does not disclose the method wherein jitters in the predetermined duration are compensated over a plurality of switching cycles by controlling the switching. Fujii et al. from the same or similar fields of endeavor disclose a communication management system that allots transmission rights to communication stations carried out within predefined periods (*see abstract*) wherein the predefined periods are adjusted to compensate for jitter (*see paragraph 214*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement a transmission rights period that is adjusted based upon jitter as taught by Fujii et al. with the method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal as taught by Ekl et al.

and Lewis. The transmission rights period that is adjusted based upon jitter as taught by Fujii et al. can be implemented by configuring the wireless terminal as taught by Ekl et al. to factor values of jitter for the channel when setting the timer values. The motivation for using the transmission rights period that is adjusted based upon jitter with the method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal is to improve the efficiency of the system by preventing waste of the communication band that may occur when a transmission is completed before the period has expired.

14. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekl et al. (U.S. Patent 6,816,502) and Lewis (U.S. Patent 6,259,898) as applied to claims 1 and 5 and further in view of admitted prior art.

**For claims 4 and 8**, Ekl et al. and Lewis disclose a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal. Ekl et al. and Lewis does not disclose the method wherein a content of missed beacon signals is reported by the bridge terminal by means of a probe/probe signaling. However, the admitted prior art discloses a probe-P/response mechanism provided by the IEEE 802.11 standard in the case of a missed beacon (*see page 12 lines 2-10*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the probe-P/response mechanism as provided by the IEEE 802.11 standard with the method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal as taught by Ekl et al. and Lewis. The probe-P/response mechanism can be implemented by ensuring that the method for connecting a first subnet and a second subnet of a communication network by means of a bridge

terminal complies the IEEE 802.11 standard. The motivation for using the IEEE 802.11 standard and provided probe-P/response mechanism with the method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal is to ensure that the method is compatible with a wide range of wireless devices.

### ***Response to Arguments***

15. It is noted with appreciation that the Applicant has carefully considered the previous Office Action and the cited prior art references. Applicant's arguments with respect to the pending claims have been considered but are not persuasive.

The Applicant argues in page 6 of the Applicant's remarks that "the combination of Lewis and Ekl still fails to teach, show, or suggest 'wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet' and 'signaling the unavailability of the bridge terminal by means of a power saving signal of the communication network', defined in claim 1."

The Applicant specifically argues that, "Lewis appears to teach that the availability of the access point for registration is broadcast periodically. There is no teaching that a signal is sent to indicate unavailability of the access point or any of its transceivers." In response, it is noted that Lewis et al. disclose a beacon signal that indicates the availability of the access point, and further modifies the beacon to indicate that the access point is not available (*see column 6 lines 48-59*). Therefore, the modified beacon signal that signals the unavailability of the access points as



taught by Lewis et al. can be interpreted as a power saving signal that is sent to indicate the unavailability of the bridge terminal as recited by the claims.

The Applicant further argues, "Lewis teaches that the access point transmits and receives on two channels or frequencies simultaneously. Since simultaneous frequency/channel operation of the access point is taught by Lewis, it would be impossible for Lewis to even remotely suggest that it could apply to a system 'wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet', as defined in the claims." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Ekl et al. discloses an access point that communicates exclusively with one set of users before communicating exclusively with another set of users (*see figure 2*), which is interpreted as a bridge terminal that is, "unavailable for the first subnet when it is operated in the second subnet" and "unavailable for the second subnet when it is operated in the first subnet" as recited by the claims. The access point as taught by Ekl et al. is combined with the beacon signal that signals the unavailability of an access point as taught by Lewis et al. It is noted that while the network as disclosed by Lewis et al. allows for simultaneous operation of transceivers on different channels, the functionality of the beacon does not depend on the simultaneous operation of transceivers on different channels. In fact, the beacon signal as disclosed by Lewis et al. can be transmitted in a staggered manner rather than simultaneously (*see column 10 lines 20-26*). It is further noted that the beacon signal as taught by Lewis et al.

functions in a conventional matter (*see column 8 lines 28-34*), wherein the conventional network does not provide simultaneous operation with terminals on different channels (*see column 6 lines 60-64*).

The Applicant additionally argues, “there is no indication in Lewis that his beacon is related in any way to a power saving mode signal, as defined in the claims.” In response, it is noted that Lewis et al. teach a beacon signal that indicates the availability or unavailability of an access point (*see column 6 lines 48-59*). The beacon signal allows mobile terminals to remain in power-saving sleep mode and only power up periodically to check for buffered data in order to save the amount of power consumed (*see column 12 lines 13-28*). Thus, the beacon signal as disclosed by Lewis et al. is interpreted to signal the unavailability of the bridge terminal by means of a power saving signal of the communication network.

For at least the reasons stated above, the Applicant’s remarks regarding independent claim 1, and similarly recited independent claims 5, 9, and 11 have been considered but are not persuasive. The applicant further argues that the dependent claims are patentable because they depend on the argued limitations. Since the Applicant’s arguments regarding independent claims are not persuasive, the dependent claims have not been found to be allowable.

The Applicant’s present a similar argument regarding the nonstatutory obviousness-type double patenting rejection of the pending claims. Specifically, the Applicant argues, “as already noted above, Lewis lacks any teaching about using a power saving signal or about signaling unavailability of the bridge terminal.” The Applicant’s arguments regarding the nonstatutory obviousness-type double patenting rejection of the pending claims are not persuasive because of

the reasons provided above in response the Applicant's arguments regarding the prior art rejections.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*See form PTO-892*).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/  
Supervisory Patent Examiner, Art Unit  
2416

BL